

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. DREW )  
EDMONDSON, in his capacity as ATTORNEY )  
GENERAL OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TROBERT, in his )  
capacity as the TRUSTEE FOR NATURAL )  
RESOURCES FOR THE STATE OF )  
OKLAHOMA, )

Plaintiff(s), )

vs. )

TYSON FOODS, INC., INC., TYSON POULTRY, )  
INC., TYSON CHICKEN, INC., COBB- )  
VANTRESS, INC., AVIAGEN, INC., CAL-MAINE )  
FOODS, INC., CAL-MAINE FARMS, INC., )  
CARGILL, INC., CARGILL TURKEY )  
PRODUCTION, LLC, GEORGE'S, INC., )  
GEORGE'S FARMS, INC., PETERSON FARMS, )  
INC., SIMMONS FOODS, INC., and WILLOW )  
BROOK FOODS, INC., )

Defendant(s). )

Case No. 05-CV-329-GKF/SAJ

**SCHEDULING ORDER**

Comes on for decision Defendants' Motion for Entry of Case Management Order [Dkt. # 946], Plaintiff's Motion for Entry of Scheduling Order [Dkt. #1026] and Defendants' Scheduling Proposal Pursuant to January 5, 2007 Order [Dkt. #1027] and the Court finds as follows:

Plaintiff's Motion for Entry of Scheduling Order [Dkt. #1026] and Defendants' Scheduling Proposal Pursuant to January 5, 2007 Order [Dkt. #1027] were filed when the parties were unable to agree upon a proposed schedule to submit to the Court following

a Court ordered meet and confer. See Court's Order dated January 5, 2007 [Dkt. # 1016]. The submissions contain the parties separate scheduling proposals. Defendants additionally submitted alternate proposed scheduling orders to be entered in the event Plaintiff files motion for preliminary injunction or not. [Dkt. # 1027].

Defendants motion for entry of a "*Lone Pine*" case management order as requested in Defendants' Motion for Entry of Case Management Order [Dkt. # 946] should be denied. The Court has fully considered the arguments and concludes that such an order is not necessary in this case. The Court believes Defendants' concerns will be satisfactorily answered through the discovery process.

Plaintiff's Motion for Entry of Scheduling Order [Dkt. #1026] is granted in part but denied as to the exact schedule requested. Defendants' Scheduling Proposal Pursuant to January 5, 2007 Order [Dkt. #1027] is also granted in part but denied as to certain requested dates. The Court additionally declines to enter a separate scheduling order in the event a motion for preliminary injunction is filed for the reason that to do so would be purely speculative at this time. Should a motion seeking preliminary relief be filed, the Court can address any adjustments to the scheduling order necessitated thereby at that time.

Accordingly, the Court enters the following schedule:

Joinder of Additional Parties deadline:	March 1, 2007
Exchange of Preliminary Fact Witness List:	April 1, 2007
Plaintiff's Expert Reports on injury and causation and all other issues except damages:	December 3, 2007
Defendants' Expert Reports on all issues except for damages:	February 1, 2008

Exchange of final fact witness lists:	May 1, 2008
Plaintiff's expert report on damages:	May 1, 2008
Defendants' expert report on damages:	June 1, 2008
Discovery Cut-Off:	July 1, 2008
Dispositive Motion deadline:	August 1, 2008
Exchange of exhibits and deposition designations:	October 1, 2008
Proposed jury instructions:	November 3, 2008
Motions in limine:	November 3, 2008
Pretrial briefs (if necessary):	November 3, 2008
Trial:	January, 2009

The parties should apply to the Court for a final pretrial date and time and trial date at the close of discovery.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' Motion for Entry of Case Management Order [Dkt. # 946] is granted in part and denied in part as set forth herein, Plaintiff's Motion for Entry of Scheduling Order [Dkt. #1026] is granted in part and denied in part as set forth herein and Defendants' Scheduling Proposal Pursuant to January 5, 2007 Order [Dkt. #1027] is granted in part and denied in part as set forth herein.

DATED THIS 9<sup>TH</sup> DAY OF MARCH, 2007.

  
Sam A. Joyner  
United States Magistrate Judge